

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

RAYMOND LEE LOZANO

VS.

WAL-MART STORES, INC.

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C.A. NO. 4:20-cv-737

JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.)¹, hereby removes to the Court the state action described below.

1. On September 17, 2019, a civil action was commenced, in the County Court at Law Number 1 of Calhoun County, Texas, entitled *Raymond Lee Lozano v. Wal-Mart Stores, Inc.*, Cause No. 2019-CV-0094-CC. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) by process server on October 14, 2019. Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) first received a copy of said Petition on October 17, 2019. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant, Wal-Mart Stores, Inc. has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

¹ Wal-Mart Stores, Inc.'s name changed to Walmart Inc. on February 1, 2018.

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant Wal-Mart Stores, Inc. (now known as Walmart Inc.) is a corporation incorporated under the laws of the State of Delaware, with its principal place of business in Arkansas.² Plaintiff is a Texas citizen, with his residence in Calhoun County, Texas.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 5 of Plaintiff's Original Petition.*

6. Venue is proper in the Southern District of Texas, Victoria Division because this District and Division embrace the place in which the action is pending.

Respectfully submitted,

DAW & RAY, LLP

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**ATTORNEYS FOR DEFENDANT,
WAL-MART STORES, INC.**

² The change in name only from Wal-Mart Stores, Inc. to Walmart Inc. did not affect the state of incorporation or the principal place of business.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this the 2nd day of March, 2020.

Clay Bonilla

Email:clay@bonillalaw.com

THE LAW OFFICES OF WILLIAM BONILLA, P.C.
2727 Morgan Avenue, Third Floor
Corpus Christi, Texas 78405

/s/ *Willie Ben Daw, III*
Willie Ben Daw, III/Bridgette A. Begle

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INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record